

VT's Environmental Justice Bill (S.148)



Core components to include in a strong EJ bill

Elena Mihaly, VP and Director, CLF Vermont

January 21, 2022

CLF is a part of the environmental justice movement.

- Working with partners and state gov'ts across New England on environmental justice issues.
- Helped enact MA's first EJ law.
- Supporting Maine Governor's Office to develop EJ protections.

It's critical for Vermont to act this year on environmental justice.

- Increasing states across the country enacting environmental justice laws.
- 17 states have EJ mapping tools.
- VT's agencies lack community engagement plans, which serve as an indicator of compliance with Title VI of the federal Civil Rights Act.
- VT's Climate Action Plan calls for an Environmental Justice Policy.



A strong environmental justice bill should contain these core components:

1. Findings
2. Definitions
3. Environmental Justice State Policy
4. Rulemaking
5. Advisory Council and Interagency Council on Environmental Justice
6. Environmental Justice Mapping Tool
7. Funding target to more equitably distribute state dollars



1. Findings

Contextualize the need for the bill with relevant data re: disproportionate impacts of environmental burdens and inequitable distribution of environmental benefits.



2. Definitions

- “Cumulative environmental burdens”
- “Environmental benefits”
- “Environmental burdens”
- “Environmental justice”
- “Environmental justice population”
- “Meaningful participation”
- “Overburdened and underserved community”



**“Environmental
justice
populations”
should be defined
in statute based
on demographics
(as opposed to
hazard exposure).**

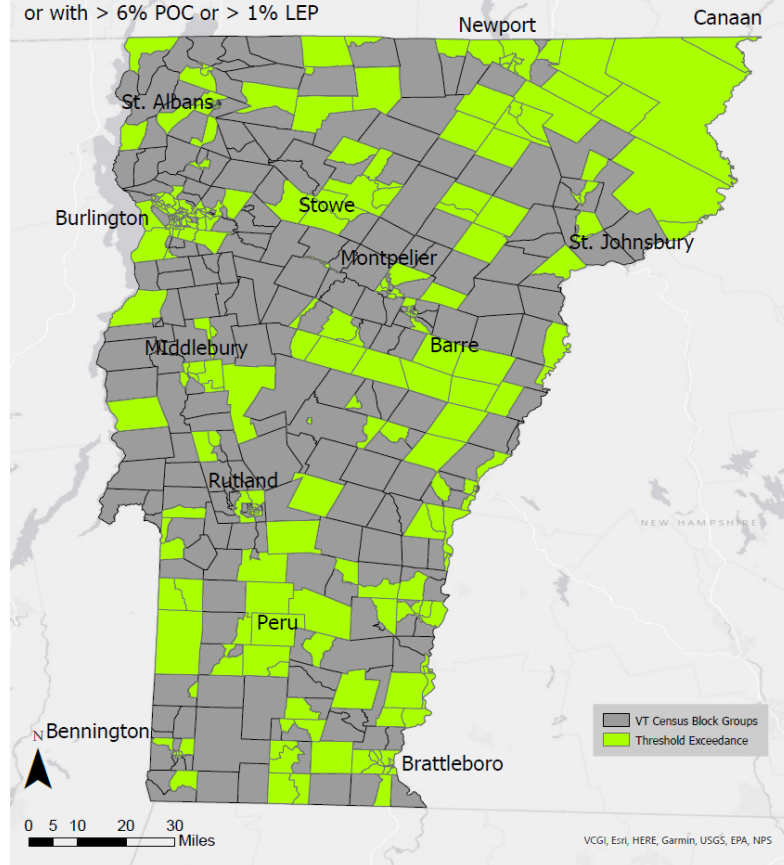
Proposed definition for VT based on three demographic criteria:

- **Race** ($\leq 6\%$ POC);
- **Low income** (80% of statewide annual median household income); and
- **Limited English proficiency** ($\leq 1\%$ of households have LEP)

This proposed definition covers 52% of Vermont's population.

Vermont

Census Block Groups where Median Household Income is < 80% of the state median or with > 6% POC or > 1% LEP



3. Environmental Justice State Policy

- “No segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied a proportionate share of environmental benefits.”
- Meaningful participation in decisionmaking – community engagement plans.
- Applies to all state agencies.
- Targeted spending commitment for equitable distribution of state \$.

4. Rulemaking authority and direction

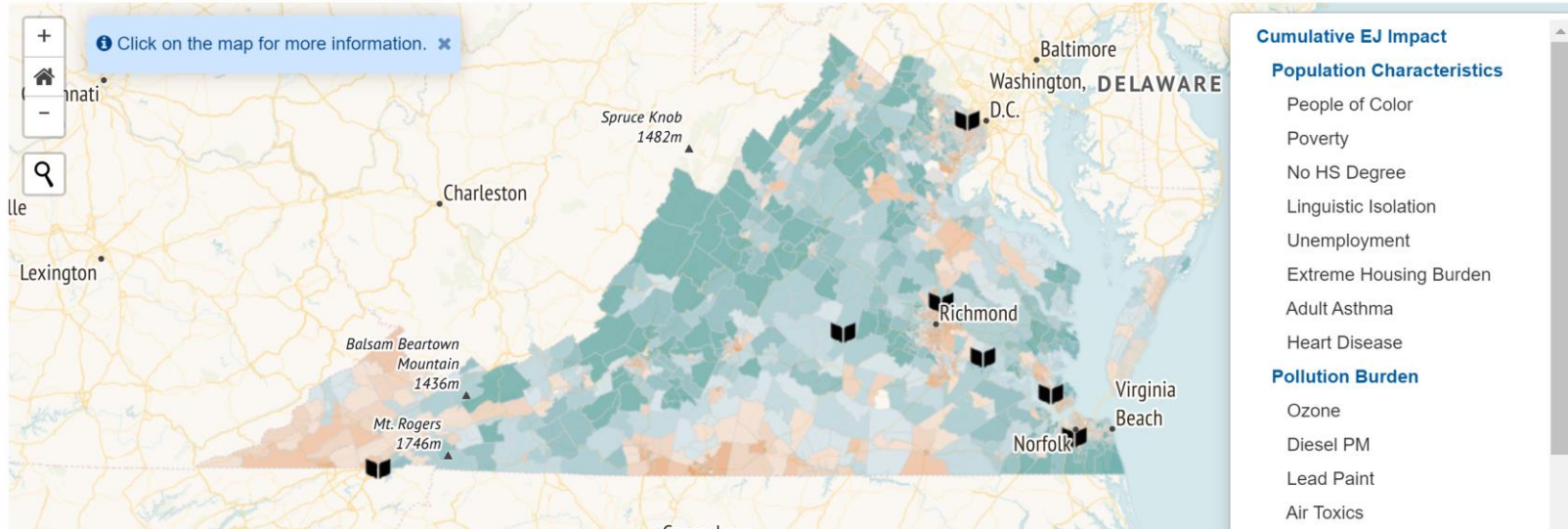
- ANR further refines key definitions and provides guidance on use of EJ Mapping Tool via rule.
- ANR reviews definition of “environmental justice population” every 5 years.
- General rulemaking authority for state agencies to implement EJ Policy.
- Advisory Council provides feedback on rules via approval process.

5. Environmental Justice Advisory Council & Interagency Council on Environmental Justice

EJ Advisory Council	Interagency Council on EJ
15 community representatives, majority residing in EJ populations	9 state agency representatives
Staffed and supported by ANR	Led by ANR
Advisory role, but <u>has power to influence</u>	Coordination and recommendation role
Duties: advise state agencies on implementing EJ Policy; use of EJ Mapping Tool; review and approve rules & cmtly engagement plans; review Title VI complaints.	Duties: (jointly with Advisory Council) w/in 1 year review EJ definition, consult with State agencies re: impact of current laws on achieving environmental justice.

6. Environmental Justice Mapping Tool

- Depict environmental justice populations AND measure environmental burdens and distribution of benefits (i.e., more than just demographic info)
- ANR created and maintained



Example of Cumulative EJ Impact Map for West Virginia; <https://mappingforej.berkeley.edu/virginia/>.


7. Targeting funding commitment

- State commits to spending 55% of environmental, renewable energy, climate mitigation, transportation, and resilience funds in EJ populations and overburdened and underserved communities
- Concept is included in Climate Action Plan
- Tracks the federal “Justice40” initiative

S.148 is an opportunity to take a necessary, modest step forward towards achieving environmental justice in Vermont.

- Widespread, demonstrated support for passage of S.148.
- Sets up a modest initial environmental justice framework.
- Important first step.





Thank you & Questions?

Contact info:

Elena Mihaly, J.D.
Vice President & Director, CLF VT
emihaly@clf.org